(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

MISC. CIVIL APPLICATION NO. 526 OF 2004

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. H.D. Naik, Advocate for the applicant.

Mr. A. D. Bhobe, Advocate for the respondent.

CORAM : A.P. LAVANDE, J.

DATE : JANUARY 20, 2005.

P.C.

Heard Mr. H.D. Naik, Advocate for the applicant and Mr. Bhobe, Advocate for the respondent. By this application, the applicant seeks condonation of delay of 234 days in filing the first appeal against the Judgment and Decree dated 8/8/2003, passed by the Civil Judge, Sr. Division, Bicholim, in Special Civil Appeal No.53/2002/A.

2. According to Mr. Naik there is sufficient cause for condoning the delay and the applicant would suffer irreparable loss and injury in case the delay is not condoned. Mr. Bhobe, learned Counsel for the respondent submits that no sufficient cause has been made out for condoning the delay and, therefore, the application deserves to be dismissed.

3. I have considered the submissions made by the learned Counsel for the parties. In my opinion, this is a fit case in which the delay ought to be condoned subject, however, to payment of costs by the applicant, otherwise the applicant would suffer irreparable loss and injury.

4. Accordingly, the application is allowed, subject to payment of costs of

Rs.2500/- by the applicant. The costs shall be deposited in the Registry of this Court within a period of two weeks from today. Liberty to the respondent to withdraw the costs, after deposit, without reference to the Court.

The application stands disposed of.

A.P. LAVANDE, J.

ssm.